

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

BRITTNEY MCDOUGLE, INDIVIDUALLY,
AND ON BEHALF OF THE HEIRS AND
WRONGFUL DEATH BENEFICIARIES
OF MICHAEL D. MCDOUGLE, SR., DECEASED,
AND THE ESTATE OF MICHAEL MCDOUGLE,
THROUGH MARY MCDOUGLE, ADMINISTRATOR
OF ESTATE

PLAINTIFFS

V.

CIVIL ACTION NO. 3:15-cv-00350-CWR-FKB

NESHOBIA COUNTY, MS, SHERIFF TOMMY WADDELL,
IN HIS OFFICIAL CAPACITY, CITY OF PHILADELPHIA,
MS, CHIEF GRANT MEYERS, IN HIS OFFICIAL
CAPACITY, AND OFFICERS BRAD CROCKETT,
ERIC LOWDNE, BRANDON POPE, JOSH RAY, JAILERS
AMANDA MONK, EVELYN MCBEATH, HARVEY HICKMAN,
BURTON O'BERRY, JAMIE HUTCHESON, AND JOEY CURRY, ALL IN
THEIR INDIVIDUAL AND OFFICIAL CAPACITIES

DEFENDANTS

PLAINTIFFS' MOTION TO AMEND FOURTH AMENDED COMPLAINT

COME NOW Plaintiffs Brittney McDougle, et al. (hereinafter "Plaintiffs"), by and through their attorneys of record, and file this, their PLAINTIFFS' MOTION TO AMEND FOURTH AMENDED COMPLAINT, and would show unto the Court, the following:

1. Plaintiffs filed their Original Complaint on or about May 8, 2015, naming "Neshoba County, MS, Sheriff Tommy Waddell, In his Individual and Official Capacities, City of Philadelphia, MS, Chief Grant Meyers, In his Individual and Official Capacities, and Officers Brad Crockett, Eric Lowdnes, Brandon Pope, Josh Ray, and "John Does 1-6", All in their Individual Capacities" as Defendants.

2. Plaintiffs filed their first Amended Complaint on May 11, 2015. Plaintiff's filed their Fourth Amended Complaint on or about August 18, 2016 against the Defendants identified in the style of this case.
3. Plaintiffs desire to amend their Fourth Amended Complaint to dismiss all the current Defendants since all claims against the current Defendants were tentatively settled today at the Settlement Conference conducted by the magistrate judge, conditioned upon the chancery court approving the settlement of the minors' claims. In the current Defendants stead, the Plaintiffs desire to name Brandi Wyatt and Dereck Moore, in their individual and official capacities as Defendants for being deliberately indifferent to the serious medical needs of the decedent and delaying or denying him access to medical/hospital/physician care, causing or contributing to his wrongful death. Plaintiffs also desire to name Neshoba County General Hospital as a Defendant for its policies, patterns, practices, or customs being the moving force behind Brandi Wyatt and Dereck Moore's actions or inactions.
4. A copy of the proposed Fifth Amended Complaint is attached hereto as Exhibit "A."
5. Defendants do not oppose this current Motion to Amend.
6. Based upon the foregoing, Plaintiff's motion should be granted.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Honorable Court will grant their Motion to Amend Fourth Amended Complaint, based upon the reasons and logic set forth herein. Plaintiffs also pray for all other general relief this Honorable Court deems to be fair and just. Due to the simplicity of this motion, Plaintiffs have not included a memorandum of law and request waiver of the filing of the same.

Respectfully submitted, this the 15th day of November, 2016.

Brittney McDougle, et al., Plaintiffs

BY: /s/ Carlos E. Moore
Carlos E. Moore, MSB# 100685
Counsel for Plaintiffs

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2016, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following and all counsel of record:

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Attorneys for Defendants Tommy Waddell and Neshoba County, MS

THIS, the 15th day of November, 2016.

s/ Carlos E. Moore
CARLOS E. MOORE, ESQ.

